

**SUPREME COURT MINUTES
WEDNESDAY, DECEMBER 17, 1997
SAN FRANCISCO, CALIFORNIA**

S064804 People, Appellant

2nd Dist. v.

B097689 Ernesto Pedro Perez et al., Appellants

Div. 3 Petition for review filed by the People GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Jefferson*, S057834 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

Petition for review filed by Ernesto Pedro Perez DENIED without prejudice to filing a petition for writ of habeas corpus in the sentencing court. (*People v. Superior Court (Romero)* (1996) 13 Cal.4th 497, 530, fn. 13.)

George, C.J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S065392 Bart Van Dyke, Appellant
2nd Dist. v.
B103828 GTE California, Inc. et al., Respondents
Div. 6 Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *Guz v. Bechtel National Inc.*, S062201 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

Baxter, J., did not participate.

George, C.J.
Mosk, J.
Kennard, J.
Werdegar, J.
Chin, J.
Brown, J.

S065473 Kimberly Reno, Appellant
1st Dist. v.
A075579 Marijo Baird, Respondent
Div. 2 Respondent's petition for review GRANTED.
Werdegar, J., did not participate.

George, C.J.
Kennard, J.
Baxter, J.
Chin, J.
Brown, J.

S065501 Rochelle C. Linder, Appellant
2nd Dist. v.
B106507 Thrifty Oil Company, Respondent
Div. 1 Appellant's petition for review GRANTED.

George, C.J.
Mosk, J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S065502 Perry Zeiger, Appellant
3rd Dist. v.
C019828 State of California et al., Respondents
Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *Toland v. Sunland Housing Group, Inc.*, S050870 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

George, C.J.
Mosk, J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S065553 United Services Automobile Association et al., Petitioners
2nd Dist. v.
B116046 Los Angeles County Superior Court, Respondent
Div. 5 Faina Blitshteyn et al., Real Parties in Interest

Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *Temple Community Hospital v. Superior Court*, S049103, *Cedars-Sinai Medical Center v. Superior Court*, S048596, and *USAA v. Superior Court*, S054826 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

All proceedings in Los Angeles County Superior Court number LC032879, entitled Blitshteyn v. United Services Automobile Association are hereby stayed pending final determination of this matter.

George, C.J.
Mosk, J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S064923 Richard J. Oberholzer, Petitioner
v.
Commission on Judicial Performance, Respondent

Let an alternative writ of mandate issue, to be heard before this court at its courtroom when the proceeding is ordered on calendar.

The alternative writ is to be issued, served and filed on or before December 24, 1997.

The return is to be served and filed on or before January 7, 1998.

George, C.J.
Mosk, J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S052695 People, Respondent

1st Dist. v.

A068871 Michael Darnell Reese, Appellant

Div. 5 The above-entitled review is hereby transferred to the Court of Appeal, First Appellate District, Division Five, with directions to vacate its decision and to reconsider the cause in light of *People v. Fuhrman* (1996) 16 Cal.4th 930, 941-947.

George, C.J.

Mosk, J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S053149 People, Respondent

5th Dist. v.

F022282 Hans John Mills, Appellant

The above-entitled review is hereby transferred to the Court of Appeal, Fifth Appellate District, with directions to vacate its decision and to reconsider the cause in light of *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497.

George, C.J.

Mosk, J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S058114 In re the Marriage of Shelstead
4th Dist. -----

D021205 Janet D. Shelstead, Respondent
 v.

Gene T. Shelstead, Appellant

The above-entitled review is hereby transferred to the Court of Appeal, Fourth Appellate District, Division One, with directions to vacate its decision and to reconsider the cause in light of Boggs v. Boggs (1997) __ U.S. __ , 138 L.Ed.2d 45.

George, C.J.

Mosk, J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S064025 California Alliance for Utility Safety & Education, Petitioner
 v.

Public Utilities Commission, Respondent

San Diego Gas and Electric Company, Real Party in Interest
Petition for writ of review DENIED.

S064995 Southern Pacific Transportation Company, Petitioner
 v.

California Public Utilities Commission, Respondent
Petition for writ of review DENIED.

S059884 In re Chanh Luong
 on

Habeas Corpus

Petition for writ of habeas corpus DENIED.

Mosk, J., is of the opinion an order to show cause should issue.

1st Dist. People, Respondent
A072395 v.
Div. 1 Johnny Lee Barnes, Appellant
S064726 Appellant's petition for review DENIED.
Mosk, J., Kennard, J., and Brown, J., are of the opinion the
petition should be granted.

1st Dist. Economic Empowerment Foundation, Appellant
A072693 v.
Div. 4 Charles Quackenbush, as Insurance Commissioner, etc., Respondent
S065180 Farmers Insurance Group of Companies, Real Party in Interest
Petition for review DENIED.
Mosk, J., Kennard, J., and Chin, J., is of the opinion the petition
should be granted.

1st Dist. People, Respondent
A074858 v.
Div. 5 William Joseph Newport, Appellant
S065659 Appellant's petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

1st Dist. Abraham Avi Lerner et al., Appellants
A075539 v.
Div. 4 Pillsbury Madison & Sutro, Respondent
S065334 Petition for review DENIED.

1st Dist. People, Respondent
A076049 v.
Div. 1 Michael Golloian et al., Appellants
S065717 Appellants' petition for review DENIED.

1st Dist. Katherine Wilkerson, Appellant
A076808 v.
Div. 4 Showki Dughman, Respondent
S065419 Respondent's petition for review DENIED.

1st Dist. In re Trisha T., Persons Coming Under the Juvenile Court Law
A076942 -----
Div. 1 Sonoma County Human Services Department, Respondent
S065641 v.
Vickie T., Appellant
Petition for review DENIED.

1st Dist. A076947 Div. 5 S065644	In re William G., a Person Coming Under the Juvenile Court Law ----- Sonoma County Social Service Department, Respondent v. Sherise H., Appellant Petition for review DENIED.
1st Dist. A079514 A079836 Div. 5 S064893	In re Giles Albert Nadey, Jr. on Habeas Corpus Petition for review DENIED.
1st Dist. A079782 Div. 4 S064982	Douglas William Hysell, Petitioner v. Marin County Superior Court, Respondent People, Real Party in Interest Petition for review DENIED.
1st Dist. A079948 Div. 1 S065697	Russell Liebson, Petitioner v. Alameda County Superior Court, Respondent Carroll Burdick & McDonough et al., Real Parties in Interest Petition for review DENIED.
1st Dist. A080215 Div. 1 S065591	In re Larry Porter on Habeas Corpus Petition for review DENIED.
1st Dist. A080261 Div. 2 S065629	In re Richard Cross on Habeas Corpus Petition for review DENIED.
1st Dist. A080416 Div. 3 S065643	Resco Products Incorporated, Petitioner v. San Francisco County Superior Court, Respondent Center for Environmental Health, Real Party in Interest Petition for review DENIED.

1st Dist. A080432 Div. 2 S065579	In re Robert James McNutt on Habeas Corpus Petition for review DENIED.
2nd Dist. B096762 Div. 4 S065558	Sues Young & Brown Incorporated, Appellant v. Francisco M. Lamanna et al., Respondents Petition for review DENIED.
2nd Dist. B097147 Div. 5 S065468	Rodolfo Ramirez et al., Appellants v. Sheldon Sacks et al., Respondents Appellants' petition for review DENIED.
2nd Dist. B097375 Div. 7 S065513	Wilfred Schwartz, Appellant v. Stroock & Stroock & Lavan et al., Respondents Appellant's petition for review DENIED.
2nd Dist. B099028 Div. 3 S064749	People, Respondent v. Varian Stephan, Appellant Appellant's petition for review DENIED.
2nd Dist. B100464 Div. 2 S065012	People, Respondent v. Jeffrey William Spradley, Appellant Respondent's petition for review DENIED.
2nd Dist. B100774 Div. 3 S064698	People, Respondent v. Juan R. Sanchez, Appellant Appellant's petition for review DENIED.
2nd Dist. B101638 Div. 2 S065757	People, Respondent v. Jesse James Martinez, Appellant Appellant's petition for review DENIED without prejudice to filing a petition for writ of habeas corpus in the sentencing court. (<i>People v. Superior Court (Romero)</i> (1996) 13 Cal.4th 497, 530, fn. 13.)

2nd Dist. B102856 Div. 5 S065084	People, Respondent v. Felipe Garcia et al., Appellants Appellants' petitions for review DENIED.
2nd Dist. B102886 B113118 Div. 4 S065115	In re Jaime Olivas on Habeas Corpus ----- People, Respondent v. Jaime Olivas, Appellant Appellant's petition for review DENIED.
2nd Dist. B102954 Div. 3 S065725	People, Respondent v. Frank Lee Hammond, Appellant Appellant's petition for review DENIED without prejudice to filing a petition for writ of habeas corpus in the sentencing court. (<i>People v. Superior Court (Romero)</i> (1996) 13 Cal.4th 497, 530, fn. 13.)
2nd Dist. B103050 Div. 1 S065472	V. Davit Ott et al., Appellants v. Transamerica Financial Services, Respondent Appellants' petition for review DENIED.
2nd Dist. B103288 Div. 3 S065663	People, Respondent v. Sean Heartley, Appellant Appellant's petition for review DENIED.
2nd Dist. B103480 Div. 4 S065624	People, Respondent v. Scott Levine, Appellant Appellant's petition for review DENIED without prejudice to filing a petition for writ of habeas corpus in the sentencing court. (<i>People v. Superior Court (Romero)</i> (1996) 13 Cal.4th 497, 530, fn. 13.)
2nd Dist. B103869 Div. 3 S065708	Aracely Galvan et al., Respondents v. Jacinto Lam et al., Appellants Appellants' petition for review DENIED.

2nd Dist. B104066 Div. 2 S065724	People, Respondent v. Arthur Van Swait, Appellant Appellant's petition for review DENIED.
2nd Dist. B104112 Div. 2 S065348	Lou Alexander, Appellant v. Norbert Aleman, Respondent Petition for review DENIED.
2nd Dist. B104418 Div. 2 S065635	People, Respondent v. Gary Wilson Shaw, Appellant Appellant's petition for review DENIED.
2nd Dist. B105371 Div. 4 S064797	Sully-Miller Contracting Company, Appellant v. C.L. Peck/Jones Brothers Construction Corporation, Respondents Appellant's petition for review DENIED.
2nd Dist. B105473 Div. 3 S065658	People, Respondent v. Ulysses D. Terry, Appellant Appellant's petition for review DENIED.
2nd Dist. B105801 Div. 2 S065069	People, Respondent v. Julio C. Bustamante, Appellant Appellant's petition for review DENIED.
2nd Dist. B106112 Div. 2 S065711	People, Respondent v. Hector Zambrana, Appellant Appellant's petition for review DENIED.
2nd Dist. B106600 Div. 5 S065270	Estate of Librada Avila ----- Richard Avila, as Administrator, etc., Appellant v. William Chua et al., Respondents Petition for review DENIED.
2nd Dist.	Joyce Saxton, Appellant

B107039 v.
Div. 7 Los Angeles Community College District, Respondent
S065709 Petition for review DENIED.

2nd Dist. People, Respondent
B107281 v.
Div. 1 Rickey Sam Sisneros, Appellant
S065648 Respondent's petition for review DENIED.

2nd Dist. Denise S. Serafin, Appellant
B107519 v.
Div. 4 First Interstate Bank, Respondent
S065074 Petition for review DENIED.
 The request for an order directing publication of the opinion is
 DENIED as moot.

2nd Dist. People, Respondent
B107619 v.
Div. 7 Jonas Ukstin, Appellant
S065602 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B107656 v.
Div. 6 Henry A. Diaz, Appellant
S065042 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B108083 v.
Div. 5 Wendal R. Baskin, Appellant
S065665 Appellant's petition for review DENIED.

2nd Dist. Jack Clifford Matalon et al., Appellants
B108084 v.
Div. 6 Lawrence Hans Theodore Johnson et al., Respondents
S065391 Appellants' petition for review DENIED.

2nd Dist. People, Respondent
B108256 v.
Div. 5 Benjamin Alexander Walsh, Appellant
S065634 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B109213 v.

Div. 7 Kenneth Wade, Appellant
S065750 Appellant's petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

2nd Dist. People, Respondent
B109619 v.
Div. 4 James Fessor Anderson, Appellant
S065731 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B111136 v.
Div. 6 David Sean Miguel, Appellant
S065679 -----
In re David Sean Miguel on Habeas Corpus
Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B111486 v.
Div. 6 Jose Polio, Appellant
S065749 Appellant's petition for review DENIED.

2nd Dist. Chuck Quackenbush, Petitioner
B112100 v.
Div. 5 Los Angeles County Superior Court, Respondent
S065705 Director of Insurance Mark Boozell, Real Party in Interest
Petition for review DENIED.

2nd Dist. City of Los Angeles, Petitioner
B112677 v.
Div. 4 Los Angeles County Superior Court, Respondent
S065647 Merino Labio, Real Party in Interest
Petition for review DENIED.

2nd Dist. In re David San Miguel
B115462 on
Div. 6 Habeas Corpus
S065889 Petition for review DENIED.

2nd Dist. Richard L. Henson et al., Petitioners
B116198 v.
Div. 5 Los Angeles County Superior Court, Respondent
S066164 Devon Industries Incorporated et al., Real Parties in Interest
Application for stay and petition for review DENIED.

2nd Dist. Rene Lafayette Martinez, Petitioner
B116411 v.
Div. 2 Los Angeles County Superior Court, Respondent
S065755 People, Real Party in Interest
Petition for review DENIED.

2nd Dist. Stephen A. Boyd, Petitioner
B116648 v.
Div. 5 Los Angeles County Superior Court, Respondent
S065628 People, Real Party in Interest
Petition for review DENIED.

3rd Dist. People, Respondent
C021113 v.
S065728 Billy Ray Vaden, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C021909 v.
S065671 John Evan Hodges, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C022793 v.
S065646 John Dale Smith, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C023901 v.
S065727 Roy Lester Brooks, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C024140 v.
S065692 Odis Simmons, Appellant
Appellant's petition for review DENIED.

3rd Dist. Gilda Baker, Appellant
C025099 v.
S065703 Glovana Baker et al., Respondents
Appellant's petition for review DENIED.

3rd Dist. Thomas Hammang, Petitioner
C027512 v.
S065713 Workers' Compensation Appeals Board et al., Respondents
Petition for review DENIED.

3rd Dist. John Leland Neeley, Petitioner
C027640 v.
S065810 Sacramento County Superior Court, Respondent
People, Real Party in Interest
Application for stay and petition for review DENIED.

3rd Dist. Richard Cross, Petitioner
C027734 v.
S065567 Placer County Superior Court, Respondent
People, Real Party in Interest
Petition for review DENIED.

3rd Dist. Richard Cross, Petitioner
C027735 v.
S065568 Placer County Superior Court, Respondent
People, Real Party in Interest
Petition for review DENIED.

3rd Dist. Richard Cross, Petitioner
C027788 v.
S065569 Placer County Superior Court, Respondent
People, Real Party in Interest
Petition for review DENIED.

3rd Dist. Richard Cross, Petitioner
C027789 v.
S065570 Placer County Superior Court, Respondent
People, Real Party in Interest
Petition for review DENIED.

4th Dist. D025194 Div. 1 S065618	People, Respondent v. Adam J. Zimmerman, Appellant Appellant's petition for review DENIED.
4th Dist. D025332 Div. 1 S064706	People, Respondent v. Miguel Mario Haynes, Appellant Appellant's petition for review DENIED.
4th Dist. D025478 Div. 1 S065673	Estate of Alicia A. Waters ----- Charles E. Waters et al., Appellants v. Claudia Powell et al., Respondents Petition for review DENIED.
4th Dist. D025561 Div. 1 S065666	People, Respondent v. Rudy Menfre Collaso, Appellant Appellant's petition for review DENIED.
4th Dist. D026800 Div. 1 S065610	People, Respondent v. Alvaro Saucedo, Appellant Appellant's petition for review DENIED.
4th Dist. D027788 Div. 1 S065662	People, Respondent v. Curtis Antonio Letchaw, Appellant Appellant's petition for review DENIED.
4th Dist. E012426 Div. 2 S043269	People, Respondent v. David Juan Garnica, Appellant Appellant's petition for review DENIED.
4th Dist. E018274 Div. 2 S065330	Dianne Fitch, Appellant v. Southland Distribution Centers et al., Respondents Appellant's petition for review DENIED.
4th Dist.	People, Respondent

E018309 v.
Div. 2 Randall Byron Kerans, Appellant
S064973 Appellant's petition for review DENIED.

4th Dist. People, Respondent
E018727 v.
Div. 2 Omar Calderin, Appellant
S065018 Appellant's petition for review DENIED.

4th Dist. People, Respondent
E018887 v.
Div. 2 Marvin Lee James, Appellant
S065611 Appellant's petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

4th Dist. Darryl Angelo Wilson, Petitioner
E021345 v.
Div. 2 San Bernardino County Superior Court, Respondent
S065161 People, Real Party in Interest
Petition for review DENIED.

4th Dist. James Geiger, Sr., Petitioner
E021348 v.
Div. 2 Nasser Etebar, Respondent
S065420 Petition for review DENIED.

4th Dist. Halina Douglas, Appellant
G016168 v.
Div. 3 Sizzler Restaurants International Incorporated et al., Respondents
S065613 Petition for review DENIED.

4th Dist. Patricia A. Kilpatrick, Respondent
G017093 v.
Div. 3 Lais & McCall
S065719 Ronald E. Lais, Appellant
Petition for review DENIED.

4th Dist. Saddleback Manor et al., Petitioners
G022086 v.
Div. 3 Workers' Compensation Appeals Board, Respondent
S065061 Petition for review DENIED.
Baxter, J., Chin, J., and Brown, J., are of the opinion the petition
should be granted.

5th Dist. People, Respondent
F024408 v.
S065623 Keith Edward Erickson, Appellant
Appellant's petition for review DENIED.

5th Dist. People, Respondent
F026824 v.
S065228 Nabor Caro, Appellant
Appellant's petition for review DENIED.

5th Dist. People, Respondent
F026976 v.
S065674 Gary Littrel, Appellant
Appellant's petition for review DENIED.

6th Dist. Real Estate Center of Santa Cruz Incorporated, Respondent
H015375 v.
S065559 Robert Austin Trask, Appellant
Appellant's petition for review DENIED.

6th Dist. People, Respondent
H015647 v.
S065669 Lam Thanh To, Appellant
Appellant's petition for review DENIED.

6th Dist. People, Respondent
H015836 v.
S065729 Emmanuel Nwachukwu, Appellant
Appellant's petition for review DENIED.

6th Dist. Kenneth L. Campbell, Appellant
H016341 v.
S065744 Director State of California Department, Respondent
Appellant's petition for review DENIED.

6th Dist. People, Respondent

H016521 v.
S065621 Marti Charles Freeman, Appellant
 Appellant's petition for review DENIED.

2nd Dist. Gabor Koltai et al., Appellants
B099981 v.
Div. 3 American Savings Bank, Respondent
S065820 The request for an order directing publication of the opinion in
 the above entitled cause is DENIED.

3rd Dist. Armand R. Bigler et al., Respondents
C022953 v.
S064606 D. Benvenuti Properties Inc. et al., Appellants
 The request for an order directing publication of the opinion in
 the above entitled cause is DENIED.

S015381 People, Respondent
 v.
 Tracy Lavelle Carter, Appellant
 On application of appellant and good cause appearing, it is
 ordered that the time to serve and file appellant's opening brief is
 extended to and including February 13, 1998.

S024349 People, Respondent
 v.
 Peter Sakarias, Appellant
 On application of appellant and good cause appearing, it is
 ordered that the time to serve and file appellant's opening brief is
 extended to and including January 16, 1998.

S025880 People, Respondent
 v.
 Richard Louis Phillips, Appellant
 On application of respondent and good cause appearing, it is
 ordered that the time to serve and file respondent's brief is extended
 to and including February 13, 1998.

S029384 People, Respondent

v.

Dannie Ray Hillhouse, Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including February 26, 1998, to request correction of the record on appeal. Counsel for appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.

S059885 In re Lee Max Barnett

on

Habeas Corpus

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's informal response to the petition for writ of habeas corpus is extended to and including January 2, 1998.

No further extensions of time will be granted.

S058027 People, Respondent

v.

Jose Luis Mendoza et al., Appellants

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's brief on the merits is extended to and including January 20, 1998.

S060571 In re Ricardo Roldan

on

Habeas Corpus

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's informal response to the petition for writ of habeas corpus is extended to and including December 27, 1997.

S060756 In re Anthony John Sully

on

Habeas Corpus

On application of petitioner and good cause appearing, it is ordered that the time to serve and file petitioner's reply to informal response to the petition for writ of habeas corpus is extended to and including February 23, 1998.

S061489 In re Barry S. Jameson

on
Habeas Corpus

On application of the Attorney General and good cause appearing, it is ordered that the time to serve and file the informal response to the petition for writ of habeas corpus is extended to and including January 20, 1998.

S064558 People, Respondent

v.

Denise M. Martinez, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief on the merits is extended to and including January 26, 1998.

S065595 In re Manuel Mendoza

on

Habeas Corpus

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's informal response to the petition for writ of habeas corpus is extended to and including February 17, 1998.

S062139 Kransco International Insurance et al., Respondents

v.

American Empire Surplus Lines Insurance Company, Appellant

The application of Montrose Chemical for permission to file an amicus curiae brief in support of respondents is hereby granted.

An answer thereto may be served and filed by any party within twenty days of the filing of the brief.

S062139 Kransco International Insurance et al., Respondents

v.

American Empire Surplus Lines Insurance Company, Appellant

The application of Truck Insurance Exchange, et al. for permission to file an amicus curiae brief in support of appellant is hereby granted.

An answer thereto may be served and filed by any party within twenty days of the filing of the brief.

S004697 People, Respondent
Crim. v.

24685 Robert Edward Stansbury, Appellant

Good cause appearing, the application of appointed counsel for permission to withdraw as attorney of record for appellant, filed November 13, 1997, is granted.

The order appointing Robert M. Westberg as counsel of record for appellant Robert Edward Stansbury, filed November 5, 1985, is hereby vacated.

The Federal Public Defender for the Central District of California is hereby appointed as attorneys of record for appellant Robert Edward Stansbury. Counsel is for purposes of all appropriate post-conviction proceedings in this court, and for subsequent proceedings, including the preparation and filing of a petition for clemency with the Governor of California, as appropriate.

S010164 People, Respondent
v.

Rodney Gene Beeler, Appellant

Good cause appearing, the application of appointed counsel for permission to withdraw as attorney of record for appellant, filed October 23, 1997, is granted.

The order appointing Pierce O'Donnell as counsel of record for appellant Rodney Gene Beeler, filed December 20, 1989, is hereby vacated.

The California Appellate Project and Richard C. Neuhoff are hereby appointed as attorneys of record for appellant Rodney Gene Beeler, the former as lead counsel and the latter as associate counsel. Counsel are appointed for purposes of all appropriate post-conviction proceedings in this court, and for subsequent proceedings, including the preparation and filing of a petition for clemency with the Governor of California, as appropriate.

S015712 People, Respondent
v.

Jeffrey T. Sheldon, Appellant

The motion of appellant for appointment of counsel is granted. Marcia A. Morrissey is hereby appointed as associate habeas corpus counsel for appellant Jeffrey T. Sheldon, for purposes of all appropriate post-conviction proceedings, including the preparation and filing of a petition for clemency with the Governor of California, as appropriate.

S022173 People, Respondent

v.

Clifford Stanley Bolden, Appellant

Appellant's "Petition for Order Allowing Discovery to Perpetuate Testimony and Preserve Evidence Pending Appeal and Filing of Habeas Corpus Action or, in the Alternative, Petition for Writ of Mandate," filed September 25, 1997, is denied.

S033998 In the Matter of the Suspension of Attorneys
Pursuant to Rule 962 California Rules of Court

JOHN ROBERT PASTO, #67079, was listed by the State Department of Social Services as being in arrears in payment of support obligations. He later obtained the necessary release from the appropriate District Attorney. He has subsequently been identified by the Department of Social Services as again being delinquent. Pursuant to Rule 962(a) of the California Rules of Court, IT IS HEREBY ORDERED that **JOHN ROBERT PASTO, #67079**, be suspended from membership in the State Bar of California and from the rights and privileges of an attorney to act from and after January 16, 1998.

IT IS FURTHER ORDERED that upon receipt by the State Bar of California of a release issued by the appropriate District Attorney pursuant to subdivision (1) of section 11350.6 of the Welfare and Institutions Code, the State Bar shall certify the fact of the receipt of such release to the Clerk of the Supreme Court and the suspension shall be terminated by order of this Court and he shall be fully restored to membership in the State Bar of California, and to all rights and privileges, duties and responsibilities incident thereto;

IT IS FURTHER ORDERED that until restored as above provided, he shall be precluded from practicing as an attorney at law, or an attorney or agent of another in and before all the courts, commissions and tribunals of this state, and from holding himself out to the public as an attorney or counsel at law.

S064815 In re **Joel Markus Basta** on Discipline

It is ordered that **Joel Markus Basta** be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for one year, subject to the conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its order regarding stipulation filed June 12, 1997, as modified by its order filed August 7, 1997. Probation shall run consecutive to the probation ordered in S009377 (88-O-12692; 89-C-10852; 89-O-14108 (Cons.))

as modified by order of the Hearing Department filed November 5, 1993, in 93-PM-11886. Costs are awarded to the State Bar pursuant to Bus. & Prof. Code section 6140.7 (as amended effective January 1, 1997).

S064817 In re **Costas Angelo Ladikos** on Discipline

It is ordered that **Costas Angelo Ladikos** be suspended from the practice of law for three years, that execution of suspension be stayed, and that he be placed on probation for four years on condition that he be actually suspended for 20 months and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. He is further ordered to comply with the other conditions of probation recommended by the Review Department of the State Bar Court in its opinion filed September 3, 1997. He is also ordered to comply with rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Bus. & Prof. Code §6086.10 payable in accordance with Bus. & Prof. Code section 6140.7 as amended effective January 1, 1997.

*(See Business & Professions Code, § 6126, subd. (c).)

S064819 In re **George Nunez** on Discipline

It is ordered that **George Nunez** be suspended from the practice of law for four years, that execution of suspension be stayed, and that he be placed on probation for four years on condition that he be actually suspended for one year and until he makes restitution to Rose Tarence in the amount of \$7,500, plus 10% interest from May 1, 1996, and to Dudley and Lenora Chew in the amount of \$3,750, plus 10% interest from June 1, 1993, and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of Trials. He is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Regarding Stipulation filed July 10, 1997, as amended July 23, 1997 and August 12, 1997. If the period of actual suspension exceeds two years, he shall remain actually suspended until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. It is also ordered that he

take and pass the Multistate Professional Responsibility Examination within one year or within the period of his actual suspension, whichever is later, after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and those costs are payable in accordance with section 6140.7 (as amended effective January 1, 1997).

*(See Business & Professions Code, § 6126, subd. (c).)

S064910 In re **Barbara A. Cooper** on Discipline

It is ordered that **Barbara A. Cooper** be suspended from the practice of law for six months, that execution of suspension be stayed, and that she be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed August 18, 1997. It is further ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and are payable in accordance with section 6140.7 (as amended effective January 1, 1997).

S064913 In re **Debbie Ruth Detrixhe** on Discipline

It is ordered that **Debbie Ruth Detrixhe** be suspended from the practice of law for 30 days, that execution of suspension be stayed, and that she be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed July 28, 1997, as modified by its order filed August 20, 1997. It is further ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and are payable in accordance with Business and Professions Code section 6140.7 (as amended effective January 1, 1997).

S064914 In re **Bann H. Mui** on Discipline

It is ordered that **Bann H. Mui** be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including 60 days actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Regarding Stipulation filed August 18, 1997. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and are payable in accordance with Business and Professions Code section 6140.7 (as amended effective January 1, 1997).

S064918 In re **Nuyja Strawder** on Discipline

It is ordered that **Nuyja Strawder** be suspended from the practice of law for four years, that execution of suspension be stayed, and that she be placed on probation for four years on condition that she be actually suspended for two years and until she has shown proof satisfactory to the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. She is further ordered to comply with the other conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its Order Regarding Stipulation filed July 2, 1997, as amended September 8, 1997. It is also ordered that she take and pass the Multistate Professional Responsibility Examination during the period of her actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) She is further ordered to comply with rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and those costs are payable in accordance with section 6140.7 (as amended effective January 1, 1997).

*(See Business & Professions Code, § 6126, subd. (c).)

S064956 In re **Donald Joseph Zaitzow** on Discipline

It is ordered that **Donald Joseph Zaitzow** be suspended from the practice of law for thirty days, that execution of suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Regarding Stipulation May 5, 1997. Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and shall be payable in accordance with Business and Professions Code section 6140.7 (as amended effective January 1, 1997).

S064957 In re **Olivia T. Ibarra** on Discipline

It is ordered that **Olivia T. Ibarra** be suspended from the practice of law for one year, that execution of suspension be stayed, and that she be placed on probation for two years subject to the conditions of probation, including 30 days actual suspension, recommended by the Hearing Department of the State Bar Court in its decision filed July 24, 1997. It is further ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and are payable in accordance with Business and Professions Code section 6140.7 (as amended effective January 1, 1997).

S064960 In re **Yolanda Duvernay** on Discipline

It is ordered that **Yolanda Duvernay** be suspended from the practice of law for one year, that execution of suspension be stayed, and that she be placed on probation for two years on condition that she be actually suspended for six months and until she makes restitution to Juanita Ivie Locker, or the Client Security Fund if appropriate, in the amount of \$800.00, plus 10% interest per annum from July 1, 1996, and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of Trials. If the period of actual suspension should continue for two years or longer, she shall remain actually suspended until she has shown proof satisfactory to the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. She is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in

its order issued regarding the stipulation filed on August 14, 1997. Respondent is further ordered to comply with rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and are payable in accordance with section 6140.7 (as amended effective January 1, 1997).

*(See Business & Professions Code, § 6126, subd. (c).)

S064961 In re **Flynn H. Bradley** on Discipline

It is hereby ordered that **Flynn H. Bradley** be disbarred from the practice of law and that his name be stricken from the roll of attorneys. He is ordered to comply with rule 955, California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Business & Professions Code, § 6126, subd. (c).)

S064963 In re **Ellen H. Ellison** on Discipline

It is ordered that **Ellen H. Ellison** be suspended from the practice of law for two years and until she has shown proof satisfactory to the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that she be placed on probation for three years subject to the conditions of probation, including actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Regarding Stipulation filed July 24, 1997, as modified by its order filed August 26, 1997. It is further ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and are payable in accordance with Business and Professions Code section 6140.7 (as amended effective January 1, 1997).

S066266 In the Matter of the Resignation of **Richard Stanley Lanave, Sr.**
A Member of the State Bar of California

The voluntary resignation of **Richard Stanley Lanave, Sr.** as a member of the State Bar of California is accepted.

S066436 In the Matter of the Resignation of **Babatunde Adeyemi Oladapo**
A Member of the State Bar of California

The voluntary resignation of **Babatunde Adeyemi Oladapo** as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against him should he hereafter seek reinstatement. It is ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Business & Professions Code, § 6126, subd. (c).)

S066437 In the Matter of the Resignation of **Donald P. Chehock**
A Member of the State Bar of California

The voluntary resignation of **Donald P. Chehock** as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against him should he hereafter seek reinstatement. It is ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Business & Professions Code, § 6126, subd. (c).)

S066468 In the Matter of the Resignation of **Thomas F. Stimson**
A Member of the State Bar of California

The voluntary resignation of **Thomas F. Stimson** as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against him should he hereafter seek reinstatement. It is ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Business & Professions Code, § 6126, subd. (c).)

S066469 In the Matter of the Resignation of **Lawrence Robert Phillips**
A Member of the State Bar of California

The voluntary resignation of **Lawrence Robert Phillips** as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against

him should he hereafter seek reinstatement. It is ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Business & Professions Code, § 6126, subd. (c).)

S066470 In the Matter of the Resignation of **Charles Noel Bussey**
A Member of the State Bar of California

The voluntary resignation of **Charles Noel Bussey** as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against him should he hereafter seek reinstatement. It is ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Business & Professions Code, § 6126, subd. (c).)

